

Moses versus Slavery:

BEING

TWO DISCOURSES

ON THE

SLAVE QUESTION.

BY THE

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“הפרו תורתך עת לעשות ליהוה”

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DISCOURSE THE FIRST.

(שבת פ' בשלה, 1861, JANUARY 26TH.)

"I the Lord have called thee in righteousness, and will hold thine hand and will keep thee, and will give thee for a covenant of the people, for a light of the Gentiles; to open the blind eyes, to bring out the prisoners from the prison, and them that sit in darkness out of the prison-house."—ISAIA, xlii., 6, 7.

MY BRETHREN ! Who is there among us that does not feel, as did our Forefathers in the days of old, joy in his heart, when it is said unto him : Let us go into the house of the Lord. Here, retired from every-day life and its restless struggles, we seek, Sabbath after Sabbath, that peace which the world can neither give nor take away. Here, with hearts craving for that peace, which in the world we look for in vain, we put ourselves for a brief season out of hearing of the roar of life's tumultuous sea. But though the temple be the appointed place for communion with the Lord, occasions will arise when it may be a special duty to speak and hear of the strife and turmoil of fierce secular controversy. And, of a truth, though the sanctuary be the place wherein to bring our thoughts into communion with the things of eternity¹—nevertheless it can at no time be *wrong* to speak even here of the interests of the world of time ; but surely it is

¹ המובח מטיל שלום בין ישראל לאביהם שבשמים . . . בין איש לאישתו בין עיר לעיר בין אומה לאומה וגו'—(Mechiltah.)

then right, when a question involving in its decision the destinies of millions of our race, has, by the fierceness with which it is agitated, hung a thunder-cloud of social war over that great Republic to which men looked as the star of freedom, the hope of oppressed nations.

In this portentous conjuncture, the Legislature ordained that a day be set apart as a day of fasting and prayer; and millions did on that day, their hearts full of fear and foreboding, humble themselves before him in whose hands are the destinies of empires. Need I say that our Jewish brethren, on the other side of the Atlantic, united with their American countrymen in prayer and devotion, even as if they felt in their hearts the words of the prophet Jeremiah constraining them: "Seek the peace of the city, whither I have caused you to be carried away captive, and pray unto the Lord for it, for in the peace thereof shall ye have peace." xxix. 7. Would that I had to speak of these things only to impress on you the duty of uniting in spirit your petitions with the prayers of those, whom we feel, though unknown to us, to be our brethren.—But this was not to be; we had to learn, by reports in the public journals, that a Teacher in Israel, a man to whom people would look as having a right to speak with authority; and at a time when any utterance on the Slave Question could not fail to be eagerly listened to, did from his pulpit maintain that *slaveholding is no sin according to the Scriptures*.

But had he stopped with this affirmation, and endeavoured to shew how his view of what he maintains to be the teaching of the Bible in relation to Slavery, can be reconciled with our belief in it as a Divine Revelation; or had he tried to bring certain enactments of the Mosaic Law into harmony with the advanced thinking of mankind, in accordance with their moral development; in that case we would have thought it owing merely to a want of critical insight into the meaning of Scripture, and so we would have no occasion for censure. But how can we be

silent when we find him using his statement, that slaveholding is no sin according to the Scriptures, as an argument to shew that the people of the Northern States of the Republic are wrong in condemning and denouncing the slavery of the South ; seeing that he maintains that they who buy and sell men, and live luxuriously on their scourge-compelled labour, can, according to the Bible, be just and upright, philanthropic men—men, like Job, “fearing God and eschewing evil.”

Now, I do not know that there has, in our time, arisen a public question of greater importance, whether we consider it in relation to our religion or to our position amongst the nations of the earth.

First, in relation to our religion.

The emancipation of the slave has always been deemed one of the greatest achievements of our time. Thinkers have tasked their faculties to find their way through the darkness and confusion into which mankind fell by losing sight of the inborn worth and dignity of man ; Poets sang to the world, in words of indignant denunciation, the agonies of the slave ; they launched the divine malediction at the slaveholder ; their glowing words passed from mouth to mouth, kindled in all hearts a holy fire, and roused the too torpid conscience of a nation, and revealed to it the wickedness of slavery, as a crime against God and man. Soon the new doctrine found its apostles—men ready to do and dare to the uttermost. The good rejoiced, philanthropy triumphed over all opposition, and a whole people, determined to set itself right before the tribunal of Eternal Justice, redeemed itself, with the wealth of a kingdom, from the reproach of holding men in bondage. Then light scattered the thick darkness, and men could again believe that God governed the world. Then was seen a spectacle of moral grandeur with which there are few in history to compare. It was as if a people had had the eyes of its conscience miraculously enlightened, and must, repenting of its crime against man and man’s maker, clothe itself, as did the

Ninevites, in sackcloth and ashes, and cry mightily unto God : **ישבו איש מדרכו הרעה, ומן רחמס אשר בכפידם :** Let everyone turn from his evil way, and from the violence that is in his hands."—Jonah iii. 8. We, the Jews, stood looking hopefully on this noble conduct of a nation, not only that we saw in it the dawn of a new light which could not but grow for us too into the full and perfect day of freedom ;² but also because we saw the word of God to be true, and that its promise through the mouth of the prophets would be fulfilled.

לא ירעו ולא ישחיתו בכל הר קדשי כי מלאה הארץ דעה את יהוה "They shall not hurt nor destroy in all my holy mountain ; for the earth shall be full of the knowledge of the Lord, as the waters cover the sea." Is. xi. 9. More than two thousand years ago Israel carried in its heart the conviction, that the struggle and conflict of men and nations would end, as a divinely determined result, in the establishment of a kingdom of peace and universal Brotherhood, as signalled in many a grand Prophetic proclamation. Yes, for nearly twenty centuries the Jewish people have been trampled upon by nations calling themselves Christian ; of a truth they have been "despised and rejected of men, the men of sorrows and acquainted with grief ; and they have been thought of as stricken, smitten of God, and afflicted." Yet, in the face of boundless contempt, contumely and maltreatment, the Jew never for a moment lost heart or hope. He believed in the progress of the human race, as what must come to pass, as being ratified to him by the prospective utterance of the mighty Seers of old, the certain word of prophecy. Looking through the Roll of the Law as through a telescope he beheld afar off the moral and political redemption of the world ; the enfranchisement of the nations into that glorious freedom, that "knows its rights, and knowing dare maintain." Still he cherishes his lofty hope ; it is in his soul like the love which the wise Son of David speaks of "Many floods

² **חרשים לבקרים רבה אמונתך על שאתה מחדשנו בבוקרן של מלכיות**
 אנו יודעין שאמונתך רבה לבאלנו :—(Midrash Echah.)

cannot drown it." But, my friends, if the American doctrine be true as it is new, this hope of his would have to be set down as a mere infatuation, the delusion of a fantastic dreamer, and baseless as the fabric of a vision. Verily, if the new doctrine be the true one, the Jew must fall behind the forward movement of the nations towards high and ever higher forms of well being : and as objects on a river bank denote the rate of a vessel's movement on the stream, so he by his immoveability would serve merely to indicate the rate of the life-movement of nations.

Up to this time you have been taught to believe that the Religion of the Old Testament could be, even by its self-unfolding, in harmony with man's social, moral and spiritual development ; that it was large enough to be the Religion of the world ; great as the actualities or possibilities of progression ; deep as the meditation of the deepest Thinker ; capable of rising on the wings of poetical inspiration to the eternal source of universal harmony. And is it not an ineradicable faith of ours that the sufferings of the Jewish race through long centuries of persecution have it as their main purpose to bring about a peace that cannot pass away ; a peace in which there shall be neither tyrant nor slave, when war shall cease for ever ; when swords shall be beaten into ploughshares, and spears into pruning hooks ? These are the vaticinations of the prophets of old, speaking as the spirit gave them utterance.

But if the voice coming to us across the Atlantic be a true word, then must we, however reluctantly, give up not only the law, but the prophets also. If slavery be according to the religion of Moses no sin, then men, believing it to be of divine origin, will not cease to attempt vindicating it by the authority of God himself.

But here let us look at the question from another point of view. How long, we ask, is it since we ourselves were slaves ? Nay, how long is it since we were allowed by the laws of any country to speak

publicly as now, on platform and in Parliament itself, on the question of human servitude? Can we forget how short a time it is since the sufferings of the Jews were their only comment on the intolerable evils of Slavery? Can we forget that but a few years ago, even in this free country, the highest rights of men were withheld from Israelites? And were we passive under all this? Did we not, with all our might, protest against it? And what plea so powerful had we as that the rights we were putting in our claim to, were those inalienable everlasting rights which God had implanted in the very constitution of human nature? And what stronger arguments had we than the Declarations of the Book—the charter of the God-given Rights of Man—the Book which our Christian opponents looked on with the same reverence as we ourselves? Maintaining the Bible to be the Magna Charta of mankind, we argued that all men, as being made in the image of God, and having, in virtue of their descent from the same Divine Parent, immortal endowments, *must* have, as it were by right of inheritance, all the rights, immunities, and prerogatives of freemen. This, I say, was our argument during our long struggle for the social and political rights of citizens; we felt sure that it had only to be appreciated and taken to heart to beat down all resistance, and give us the victory. Had this unfortunate lecture been delivered a few years ago, and received as a true interpretation of the Law of Moses, it must have been turned into a weapon against us, or flung down in our onward path as a stumbling-block. Well might those who were opposed to the giving the Jews the rights of citizens—what time a Jew presented himself before Parliament, demanding to be admitted and sworn as a member, and carrying his Old Testament under his arm, to swear by it fidelity to the Constitution, have pointed with a sneer at the venerable Book, and cried aloud:—“How can you accuse us of injustice, inhumanity, and oppression? Is not the Book that you carry under your

arm our warrant and authority ? How *can* you ask to be made a legislator in a country where slaveholding is considered as a sin ? Nay, would not your people, in any country, where they might chance to have the power, surely have the will to establish slavery, seeing they believe it to be part and parcel of the institutions of their Great Legislator ? Are we not right in holding the Jews in civil and political bondage ? Is it not the express will of God ? Rights of humanity, social equality, and universal brotherhood, are but sins—sins not to be extenuated—or at best mere modern inventions opposed altogether to the old established divine laws of our Legislator. According to a Teacher in Israel, a Jewish minister on the other side of the Atlantic, Are not these things so ? Let the Jews, they might say, keep to their Ghetto, stick to their Trinket Boxes and old clothes shops. As your Lords and masters—and on the authority of the New York Expositor we can allow you no higher place, no better occupation—Go, pay your taxes—and dare never again to cross the door of this House—to ask for freedom, until you have at least cast away from you your Old Testament—the slaveholder's book of authority—and turned your back for ever on Judaism—as adverse to the noblest rights of man.”

It must be evident to you, my brethren, that, though we are far from the scene of strife, we have a special interest in the question, whether slavery be in our time a sin, according to the doctrine and the law of Moses. This is not an idle question, or a question having a merely speculative interest—not a question arising from a difference of opinion on a matter on which there is, as on so many other questions, room for difference. But, my friends, the abundance of subject matter on this question is greatly more than a sermon, or a couple of sermons, can overtake. Time constrains me to postpone till next Sabbath what further views I have to set before you. Then I will shew you how the matter stands in relation to the law of Moses, and how utterly without foundation

are the assertions of the transatlantic Expositor. Meantime I limit myself to the quotation of a few passages, from writers of universal reputation for a profound knowledge of Hebrew law and custom, from the time of the Talmudists down even to the days we live in. These quotations will establish irrefutably the great fact, that the law of Moses was never until now construed, so as to put it on the side of slavery. They will, I am sure, even now enable you to decide for yourself this momentous question—momentous, not only in relation to American slavery, but to the estimation in which we Jews are to be held by the nations of freemen over all the face of the earth.

To begin with the Talmud, the following quotations may suffice :—First, “He who buys a Hebrew bondsman buys for himself a master ;”³ a sentence not to be construed so as to mean merely that oft-times the servant becomes the master; but to be taken as showing the master to have been so bound by manifold legal obligations in relation to the rights of the servant, as in a sense to instate the latter in a certain mastery; and this is the meaning of the sentence according to Maimonides himself.⁴ Second. The canon of the Talmudical law on this matter : “No jubilee, no Hebrew slavery,”⁵ proves decisively that there was no slavery tolerated by the Jewish law that did not include in it the certainty of emancipation. And, if we do not find it equally favourable to other than Hebrew slaves, we must bear in mind that its authors found themselves in a position similar to that of Moses himself; their times, like his, compelling them to maintain this distinction. But it is by no means improbable that the distinction would have been done away with had the development of the Talmudical legislation not been put an end to by the destruction of the Hebrew Commonwealth.

³ כל הקונה עבד עברי כקונה אדון לעצמו.

⁴ Hilchod Abadim, I. 9.

⁵ אין עבד עברי נוהג אלא בזמן שהיובל נוהג. Maimonides *ibid.* I., 10.

In truth, one of the chiefest characteristics of the Talmudical exposition of the Mosaic law is its free adaptation to the spirit and progressive requirements of the ages. It even maintains that a Hebrew in selling himself into slavery violates the inalienable right which God has in him as an Israelite. This it determines to be the meaning of the text, "The children of Israel are MY servants;" that is to say, not the servants of servants.⁶ The Midrash is of opinion that the exodus from Egyptian bondage was granted on condition that the Israelites should never more allow themselves to sink into a state of servitude.⁷ Maimonides says that all the enactments with regard to slaves are intended to call forth mildness and mercy toward the unfortunate. The statute, says he, forbidding the giving up a runaway slave to his master, is the most merciful law in a code of laws distinguished for their mercy.⁸ The latest Jewish expositors of the Hebrew Scriptures, Philippson and Herxheimer affirm, as if it were universally taken for granted, that the laws of Moses have for their main purpose the extinction of slavery.

Our next authority is Johann David Michaelis. The following brief but decisive passage is from his book in exposition of the Mosaic legislation⁹:—"Moses left the institution of slavery as he found it, but he limited it and tempered it notably, and especially in relation to the best of native citizens. This is the soul of his legislation." Take note of this, "the *soul* of his legislation." "He appears to have held it as all too hard; and to have *utterly disapproved of it in his heart*. And how could it be otherwise, as the people whom he established in freedom, and to whom he gave the law, had been themselves slaves

⁶ עברי ולא עבדים לעבדים. (Baba Kama, fol. 117.)

⁷ על תנאי כך הוצאתי אותם מארץ מצרים שלא ישתעבדו. Jalkut Shim: בהר: § 669.

⁸ עם היותו רחמנות יש בואת המצוה תועלת גדולה והוא שנתנהג בואת המדה הנכבדת . . . ולא די שתעזור מי שיעזר בך אלא שאתה חייב לעיין בתקוניו וחשיב לו ולא תכאיב לבבו דברים. —Moreh III., 39.

⁹ Mosaisches Recht, Vol. II., § 122, conf. § 127.

in Egypt, and had experienced all the hardships of this unnatural condition ?”

Another authority is D. L. Saalschütz, minister of the Jewish congregation, and Professor of Hebrew science at Königsberg. I quote from his very learned book on the Mosaic Law¹⁰ :—“Slavery, in the sense that distinguishes between freemen and slaves, as contrasted with each other, *exists not* in the Law of Moses. In fact the Hebrew language has no word that brands any portion of those in the condition of servants with a degrading denomination; but only one expression for all, without distinction, who stand in the relation of servants. The Hebrew word is *Abed*, and means nothing but a working man: ‘Servant of God’ is even a title of honour for Moses and other distinguished men.”

My last authority is he who is recognised by intellectual Europe as the profoundest investigator of Hebrew antiquities, I mean, Henrich Ewald.¹¹ His words are :—“Slavery was in all parts of the world most deeply rooted as a domestic institution when the religion of Moses appeared. It could not think of directly uprooting it; but there is no religion of antiquity which, in its peculiar origin, as well as in its inextinguishable tendency sets itself *so decidedly against it*, or, at least, against everything inhuman in it, and which even in its *beginnings so surely prepares its final removal*.”¹²

There is no need that I trouble you with more quotations. These few are of the best: and are, I doubt not, sufficient to convince every one of you that the religion of Moses, rightly interpreted, is altogether on the side of the rights of men—that the spirit of his

¹⁰ Mosaiches Recht, Vol. II., chap. 101, p. 697; conf. p. 715.

¹¹ Die Alterthümer des Volkes Israel. 2nd edition, p. 243.

¹² Of the same opinion are—Nimeyer (Characteristic der Bibel, Vol. III., p. 174; “Mose läst im Grunde fast nur den Namen der Sache.”) Wiener (Bibl. Real-wörterbuch, s. v. Slaven). Munk (Palestine, p. 208, ff.) Salvador (Institutions de Moïse, Livre VII., chap. v. conf. Livre I., p. 76, ff.)

legislation has only to be carried out to break the shackles of the slave, and deliver him out of the grasp of his oppressive Taskmaster. And can we be wrong in maintaining the Bible to be the fountain of liberty? or rather is not he inexcusably in the wrong that makes it a stronghold for the Tyrant—a book of everlasting excommunication for the unhappy race, trampled beneath the hoof of the Oppressor. Surely the time were come for us to turn our backs on Judaism, if we could believe it to be a system incapable, from the very nature of it, of marching abreast with the onward march of civilization. But let us rejoice in believing that we are attempting to find fountains of life—of religious and political life—not in cisterns, broken cisterns, but rather that we are letting down our vessels into inexhaustible wells of living water. And, finally, let us be diligent, as we find opportunity, in protesting against interpretations so inadequate and distorting that they would dwarf the mighty Moses, the chosen prophet of the Highest, to the petty stature of his puny interpreters—nay, would even degrade him to the level of a South American Slaveholder.

DISCOURSE THE SECOND.

(FEBRUARY 2ND, 1861. שבת פ' יתר)

“And if thy brother, that dwelleth by thee, be waxen poor, and be sold unto thee, thou shalt not compel him to serve as a bond-servant, but as a hired servant, and as a sojourner he shall be with thee, and shall serve thee until the year of jubilee. And then shall he depart from thee, both he and his children with him, and shall return unto his own family, and unto the possession of his fathers shall he return. For they are my servants, which I brought forth out of the land of Egypt; they shall not be sold as bondmen. Thou shalt not rule over him with rigour, but shall fear thy God.”—Leviticus xxxix. 43.

MY BRETHREN, nothing can be more appropriate to the subject of my discourse than the portion of the Law which fell to be read in the course of Scriptural reading this morning, viz., the Ten Commandments. These are, you know, the very kernel of the law divine; the keystone of the total structure of our religion. They have been, as vital words for everlasting edification, read day after day and Sabbath after Sabbath in the house of Israel; they are the lesson taught to our children as the sure guide through life's troubled pilgrimage to the everlasting land of promise. It must wound the mind of every Israelite to see not only the general drift of Scripture, but specially the declarations of the Decalogue itself set forth so as to be in direct contradiction with the unalienable rights of man. Last Sabbath I went into this subject at some length, but by no means as thoroughly as its great importance demands. So misleading a misconstruction of Divine Revelation

must not be allowed to pass current among men without our earnestly protesting against it.

Dr. Raphall's discourse, so far as reported in the newspapers, resolves itself, with regard to the moral estimation of slavery, into three statements; and it is on the authority of these that he would persuade us that slavery is a divinely-ordained institution. I take in succession these statements—statements I call them, for they cannot rightly be called arguments, as they have in them scarcely a show of reasoning; nay seem even to have been set down as if they were self-evident, and therefore stood in no need of argument for their substantiation. They are as follows:—

1. That there is no condemnation of slavery in Scripture.

2. That it is expressly sanctioned by Divine authority.

3. That men spoken of in Scripture as just and upright were slaveholders.

These three statements disproved—and it will be by no means difficult to disprove them—and the doctrine they are brought forward to sustain must come down like a fabric from which the supporting props are struck away. Let us now, then, take up the first of these affirmations, namely, that there is no condemnation of slavery in the Scriptures.

I have not been constrained to search far and wide through the sacred volume to find passages to prove this statement to be altogether untenable. There are texts in plenty that need no careful seeking to find them, scattered throughout the sacred document, if not so plain that he who runneth may read, yet plain enough to be seen at a glance even by the eye the least accustomed to Biblical investigation. Open the volume—open the Pentateuch—and on the first page of its first book the eye directly lights on a passage which is an emphatic proclamation of the divine dignity, the quite infinite worth of human nature “Let us make man in

our own image, after our own likeness." Looking far enough into the meaning of this great utterance, and believing, as, no doubt, Dr. Raphall does believe, that *all* men, whatever be the colour of their skin, are descended from the same common parentage, and bear, all of them alike, by their being made in the image of God, the relation of children to the same Eternal Father, it is clear that there is no inborn intrinsic difference giving one race of men authority to hold another in a state of servitude.

Thus far in exposition of the meaning of the text looking out upon us from the very first page of the Pentateuch. And now we may, in our endeavour to set forth the truth on this subject, ask on what occasion it was, and to what purpose that we find slavery first mentioned in the Scriptures? The story is familiar to every reader, or even non-reader, of the Bible. Was it not when Cham, the son of Noah, for his anti-filial and utterly unnatural conduct, brought down upon himself the curse of his outraged parent? "Cursed be Cham; a servant of servants shall he be unto his brethren;" and is not this denunciation of slavery as a curse and a punishment of a shameless outrage, a sufficient proof that it is *not* an institution in the order of a well conducted society, but an anomaly—a great social evil, springing from the violation of the laws of God and nature?

Surely it is not presuming beyond the warrant given us in the passage, which proclaims man to be made in the image of God, to maintain that from this, as from its living root in the inborn worth of man, springs the wide-spreading beneficently fruitful tree of the Mosaic legislation. Further, when we take thought of it, that the calling of Israel to be a peculiar people, was signally on the occasion of its deliverance out of the Land of Egypt, and when we consider moreover, that the solemn introductory or preamble to the delivery of the ten commandments was the proclamation of the God of Israel as an *emancipating* leader and

Sovereign. "I am the Lord thy God, who brought thee out of the Land of Egypt, out of the House of Bondage;" and further when we consider, that the code of public rights and duties, given directly after the Ten commandments, begins with, as it were, the Magna Charta and Habeas Corpus both, of the servile classes, as if in order to show that the securing of personal freedom was the special aim and object of the Lawgiver—I say, when we consider all this, it may well astonish us to see a Teacher in Israel, stand up to maintain in public, that Moses is an authority for the degrading slavery of the American Continent.

Nay, so wide of the truth on this subject is Dr. Raphall, that we can affirm without fear of refutation that the Mosaic code held within it as the very life of its legislation a higher idea of personal freedom than had, so far as we know, presented itself to the mind of any people in that so early period of the world's history. Nay, this deep-seeing, far-beholding code would, if it could, defend the higher nature of man against the temptation of the lower, by denying to the individual such an absolute right of property even in himself, as that he could degrade mankind in the person of one man by selling himself unto slavery. And he who in violation of this interdiction sold himself for a slave, was branded with infamy, had his ear bored to the door, ¹ the degrading symbol of a voluntary throwing away of his dignity as a man; a fact which, of itself, is sufficient to prove how irreconcilably opposed was the Law of Moses, not only in its general spirit, but also in its special enactments to the whole system of slavery. "Why is it," asks an old Hebrew expounder of the law, "that of all parts of the human body, the ear was the member which had to bear the slave-mark?" And his answer is: The ear that heard the word of God proclaiming, **עֲבָדִים עֲבָדֵי הוּא** **כִּי לִי בְנֵי יִשְׂרָאֵל** "The children of Israel are *my* servants, my servants are they," "and which, having heard, did not hinder a man selling himself to a master, must suffer the punish-

¹ Exodus, XXI., 6.

ment by bearing for ever the degrading mark of servitude."²

But if these Scripture passages, these high authorities, and the arguments and inferences growing out of them, should fail to convince you that the Jewish Law-giver set his face like a flint against slavery, still I can prove to you convincingly that there never *existed* among the Hebrew people any social usage or institution bearing even the least resemblance to the slave system of America. And first, if we put to ourselves the question,—How *came* a slave population to exist in the Republic? have we not to answer it by saying that it was primarily by importation of slaves from Africa; men in the first instance torn from their homes and families, and shipped across the Atlantic. There is no need that I attempt describing to you the appalling horrors of the slave passage—these are familiar to every Englishman. Pity that the law of the Hebrew Legislator had been forgotten or trampled under foot by Christian nations professing to hold to it as of divine authority! Had it been in force among them, the slave trade would have been with swift retributive justice put an end to. The first perpetrators of the abomination would have expiated their crime with the forfeiture of their lives.³

And now, if we look even for a moment at the relative difference of social position, it will give further ratification to our whole argument; and indeed prove to you that the pro-slavery Advocate can find nothing in the Mosaic code, to vindicate North American Slavery.

The Hebrew slave, if we choose to call him so, had rights, personal rights of his own, and also rights of property, which no one, not even his master could violate with impunity. He could, servant or slave

² ואם מוכר עצמו-און שימעה על הר סיני כי לי בני ישראל עבדים והלך נקנה אדון לעצמו חרצע.

³ Exod. xxi., 16. "And he that stealeth a man and selleth him, and he was found in his hand, he shall be put to death." Dr. Herxheimer (Rabbi of Bernburg) explains: Capital punishment because he robbed a man of his liberty, which is as much as his life.

though he was, himself have servants;⁴ he could not be compelled to work on the sabbath day; nor to work more than was demanded of a hireling; he could purchase his liberty, when he himself or any other for him found the means of paying the amount *specified by law*.⁵ Moreover, he obtained his freedom at the beginning of the seventh year of his servitude; but if for any reason whatever, he was induced not to accept his deliverance on this occasion, the great Jubilee brought to him restoration to all the rights of a free citizen; rights never forfeited, but only suspended for a certain period.

How different all this is from what obtains in America, I need not declare to you. The Negro has no rights, none whatever; he is a mere chattel; for *him* there is no seventh year; no year of Jubilee to sound far into his hopeless heart the soul-reviving note of enfranchisement; no, there is no deliverer for the American slave, except that Deliverer who sends him to the tribunal above, there to bear witness before the Eternal Judge to the wrongs, that he endured for a life-time at the hands of his cruel Taskmaster.

I must not leave this part of my subject without saying a word or two on the question of extradition, the very question which has all but rent asunder the great American Confederacy.

The runaway slave of any foreign people was free for ever the moment he set foot on Jewish soil; and the Talmudical law extends this right so far as to declare that a slave, who had been sold by a Jew to a foreign master, heathen or Jewish, and who had effected his escape and found his way to Palestine, could not be returned to the master, from whom he had run away; a usage this, than which, surely, there could be no other that could be a heavier blow and greater discouragement to the traffic in the bodies of men. Palestine, — it

⁴ See 2 Sam. ix.

⁵ Deut. xvi., 11, 12, 14.

is an undeniable fact, was by the Mosaic Law, three thousand years ago, what England now is—an asylum for the fugitive slaves of all nations.

And now it must be clear to you that servants in Israel had more rights than appertained to the citizens of some other countries. What, in proof, can be stronger than the fact that the law gave even the lowest class of servants—what time the people of Israel did enter into covenant with the Lord—the right also of entering into it along with the very highest. Thus we read:—"You stand this day all of you before the Lord your God, your captains of your tribes, your elders and your officers, with all the men of Israel, your little ones, your wives, and thy stranger that is in thy camp, from *the hewer of thy wood unto the drawer of thy water*,* that thou shouldest enter into covenant with the Lord thy God, and into his oath, which the Lord thy God maketh with thee this day."—Deut. xxix., 10—12.

But in thus setting forth the right of the servant, let us not forget the humane spirit of the Mosaic law, as it shows itself in its tender heed and considerate kindness for him, what time soever he obtained his freedom, and was about to step forth into the world as a free man, to, as we say, push his fortune. He parted from his master, not as from a hard taskmaster, from selfish interests reluctant to let him go; or as from one angrily casting off what the law did not allow him any longer to retain; but rather as from a friend who could not suffer him to depart without first loading him with benefits; for thus we read:—"And when thou sendest him out free from thee; thou shalt not let him go away empty; thou shalt furnish him liberally out of thy flock, and out of thy floor, and out of thy winepress: of that wherewith the Lord thy God hath blessed thee, thou shalt give unto him. And thou shalt remember that thou wast a bondsman in the land of Egypt, and the Lord thy God redeemed thee, therefore I command thee this thing to-day." And thus sending him off full-handed, loaded

* The lowest class of bondsmen, most probably of foreign origin.

as with tokens of goodwill, the master showed his desire that he should not relapse to his former condition.

It must be evident from this brief statement of the Law of Moses on this question, that we have to look upon it as a code so decisively aiming, in its whole spirit and tendency, to gradually put an end to Slavery, that the Legislator needed not to condemn it by a special enactment. The code, indeed, viewed superficially, might be thought to take less heed of the rights of human nature in men not belonging to the Hebrew race ; but looked at it intently, we see that this difference, in so far as it does exist, was, as it were, thrust upon the Legislator by the compulsion of circumstances, social and religious. He had to make his laws a rampart of defence for the Hebrew people and their economy against the continuous action and subduing pressure of the systems of surrounding nations. The code was ever ready to welcome all comers to its advantages. In proof, the foreign slave had but to renounce heathenism to have the same rights with slaves of the Hebrew family. But whatever the distinction may have been, it can not by possibility be a vindication of the American system ; the times and circumstances of the Republic being in all things so utterly unlike those for which Moses promulgated his legislation.

And now if we turn from the code of Moses in particular to the Bible generally, we find it throughout speaking to the same purpose. Job, for instance, when trying to find in himself wickedness, to vindicate God in sending upon him thick crowded visitations of adversity, asks eagerly : **אם אמאס משפט עבדי ואמתי בריבם עמרי : ומה : אעשה כי יקום אל וכי יפקד מה אשיבנו : הלא בבטן עשני עשהו : ויכוננו ברחם אחר :** "If I did despise the cause of my manservant or of my maidservant, when they contended with me ; what then shall I do, when God riseth up ? And when he visiteth, what shall I answer him ? Did not he that made me in the womb make him, and did not one fashion us in the womb ?" (xxxix. 13-15.) ; an

utterance which proves the sufferer to have thought the maltreatment of a servant by a master to be a vindication of the severest sufferings that God could inflict on him. Further, Isaiah makes, among other things, the deliverance of those who are oppressed, a condition of God himself accepting graciously fasting and prayer. Hear his words : **הלא זה צום אבחרהו פתח חרצבות רשע החר : הלא פרס אנורות מוטה ושלח רצוצים חפשים וכל מוטה תנתקו : הלא פרס לרעב לחמך ועניים מרודים תביא בית כי תראה ערום וכסהו : ומבשרך לא תתעלם :** "Is not this the fast that I have chosen ? to lose the bands of wickedness, to undo the heavy burdens, and to let the oppressed go free, and that ye break every yoke ? Is it not to deal thy bread to the hungry, and that thou bring the poor that are cast out to thy house ? When thou seest the naked, that thou cover him : and that thou hide not thyself from thine own flesh ?" (lviii. 6, 7.) Jeremiah carries us to the top of our argument, when it is given to him to speak of the rights of Hebrew servants : "Thus saith the Lord, the God of Israel, I made a *covenant* with your fathers, **אנכי כרתי ברית את אבותכם** in the day that I brought them forth out of the land of Egypt, out of the house of bondmen, saying : At the end of seven years let ye go every man to his brother, an Hebrew, which has been sold unto thee : but your fathers harkened not unto me, neither inclined their ear. . . . Therefore, thus saith the Lord : ye have not harkened unto me, in proclaiming liberty, everyone to his brother and every one to his neighbour ; behold, **הנני קרא לכם דרור נאם יהוה אל החרב אל הדבר ואל הרעב ונתתי אתכם לוועה לכל ממלכות הארץ** I proclaim liberty for you, saith the Lord, to the sword, to the pestilence, and to the famine, and I will make you a horror in all the kingdoms of the earth." (xxxiv. 12. ff.) So then, the manumission of the slave at the end of six years has the solemn sacredness of a covenant with God ; and the holding of him in bondage beyond the appointed period is denounced as a crime to be punished with God-sent sword—pestilence, famine and utter destruction of nationality.

Therefore, if we are asked for passages from the Bible condemnatory of slavery, we say, Ask us not for passages ; the Bible, even the whole Bible is one grand consistent utterance of condemnation.

I come now to the second division of my discourse, and in this I limit myself to the refutation of the assertion that slaveholding is not only recognised, but sanctioned by God himself. Now there needs no laborious argument to refute this *so audacious* representation. The references to slaveholding in the Ten commandments are two only, the one in the fourth and the other in the tenth ; and certainly neither can, with the smallest show of reason, be quoted as authority for Dr. Raphall's doctrine. And here is the right place to put in a word or two on the meaning of the Hebrew words "Abed" and "Amah." No Hebrew scholar can accept, as correct, Dr. Raphall's translation of the words "Abed" and "Amah"⁶ into the denomination *male slave* and *female slave*. The root of the word means *to work*, and nothing but to work ; the word indeed *may* be applied to the slave ; but it can be clearly shown that it does *not* involve the notion of his working as a slave. Gesenius, in his excellent dictionary,⁷ does not so much as give "slave" among the meanings of the word "*Abed*." The word, in truth, rises to a significance which excludes altogether the notion of slave servitude ; as, for instance, when the wise men entreated Rehoboam to be the "*Abed laam*," עֶבֶד לְאָם that is, to grant their petition to the people⁸ ; further, David, as general of Saul's army, is called "*Abed Shaïl* ;"⁹ the worshippers of God,¹⁰ and

עֶבֶד אִמָּה ⁶

⁷ Edition of 1812.

⁸ 1 Kings, xii., 7.

⁹ 1 Sam. xxix., 3.

¹⁰ As for instance, Ps. cv., 6. וְרַע אֲבֵרָהֶם עֲבָדוּ corresponding with בַּחֲרִי in the second hemistich.

his messengers and prophets,¹¹ the angels themselves,¹² are called by the same name; nay, the highest title given to pious men, to Moses;¹³ nay, even to the Messiah himself¹⁴ is this same word "*Abed*." And as to "*Amah*," the word used in the Ten Commandments for a female servant, it comes from the same root, as *Am* אִם, the Hebrew word for mother, thus showing that, in some respect or other, her relation to the family was maternal, not slavish.¹⁵

Such is a statement of Hebrew notions of working as a slave in regard to servants; were it otherwise, were the notion inseparably entwined with the root עֶבֶר; the tree of the spiritual life of Judaism must appear as overgrown, even to strangulation, with this life-destroying parasite. We, therefore, my brethren, emphatically protest against the New York attempt to introduce the notion of slavery into the Ten Commandments. We cleave to the universally accepted translation of man-servant and maid-servant.

If you have gone with me in my arguments, it will be clear to you that slavery among the Hebrews, of whatever kind it may have been, was merely accepted as an already existing institution, which had become so inseparable an element of social life that it could not at once be abolished utterly, but must rather be gradually extinguished by a discouraging legislation. We may ask, then, what other *could* the great legislator do, than temper

¹¹ Isaya, xl., 6.

¹² Job, iv., 18.

¹³ Deuter., xxxiv., 5.

¹⁴ Zach. iii., 8.

¹⁵ It has been observed by a distinguished writer on the subject, that the biblical words, *to sell as slave*, *to be in servitude*, *to become a slave*, correspond exactly with our modern "*to hire*," "*to enter duties as servant*," "*to be in service*," &c. Salvador, Inst. d. Moïse, Book VII., chap. 5, p. 115.

and modulate, in the interest of the slave, an institution, which he could not, however much he may have secretly had it at heart, put at once and entirely an end to. As a wise legislator, enacting laws for reciprocal rights and duties, he had to legislate for the interest of *the master* as well as for that of the servant. There was nothing for him, since slavery was there, than to protect the master in those rights which were universally recognised. A society, accepting any, even the mildest modification of slavery, was compelled so to handle it, as that it should work smoothly, as a vital part of the general social organisation. But how was this quietly effective working possible, except by confirming the master in those rights which may be described as rights of property in the servant; rights these, that never will, and never can cease, as long as there exists in society the relation of master and servant. Not to have recognised, defined, and ratified them by special enactment, would in no long period of years, have thrown the Hebrew commonwealth into irrecoverable chaotic confusion. The hand of the servant would have been against the hand of the master; and the hand of the master against the hand of the servant; and in all likelihood the consummation of the commonwealth would have been a servile war, bloodier than any that we read of in history. But that it was never attempted to be overthrown by a servile insurrection, as was the system of slavery in Greece and Rome, may be taken in evidence of the beneficent wisdom of the Hebrew legislator.

In the controversy on the general question of slavery more especially, Dr. Raphall lifteth up his voice and crieth aloud (in opposition to the views of the Rev. Dr. Beecher), "How dare you, in the face of the sanction and protection afforded to slave property in the Ten Commandments, how dare you denounce slaveholding as sin?" Dare! yes, we dare; any one may dare; in

truth there needs no daring to abash this high triumphant tone. It is a clear case of a modern Teacher of Israel against the law and the prophets! Hear and answer *us*, your Jewish brethren on the *sober* side of the Atlantic. What say you to bigamy? Sin or no sin? Believing with us, as you must do, that it is *not* a sin according to the law of Moses,—then we ask, “Do you, therefore, think it the less a sin in the moral estimation of the community?” Whatever *may* have been thought of it in the earlier stages of progress, certain it is that we have reached a point in our thinking, at which society cannot look on it as being other than a sin destructive of social wellbeing. Take another instance; Witches were condemned to be stoned. But where in these days, is the civilised people that would tolerate it? Whilst we, considering the deceptive and demoralising practices of witchcraft in the time of Moses, can justify him in punishing it capitally; yet long before our time public opinion had become so enlightened as to cease to demand its punishment. If we believe in the moral progress of the race (and what Jew can deny it?) how can we doubt that actions, which at one time are looked upon without rebuke, shall surely come to be regarded as deserving the highest moral condemnation. In fact, the moral progress of the race is but the attainment of a vision ever swifter to discriminate between right and wrong; in a word, it is the gradual enlargement of the boundaries of the kingdom of conscience.

What was the Torah (the Law) intended to be to us? Was it intended to be a mere hard code of special enactments? or an ever-growing light to the Race through the entire unfolding of its divinely foreseen destinies? Is the mighty Legislator's Book of Laws to be looked at as a mere Ledger of Crimes, and their respective penalties? Is it to be interpreted by slavish adherence to the letter, and applied paragraph by paragraph to cases as they arise?

Is it a code, incapable of admitting expansions correlative with the ceaseless intellectual and moral development of mankind? or shall we not rather have it in our hearts as a fountain of life and light, the inexhaustible creative source of ever better obedience and ever loftier forms of character ?

I will now go briefly into the third division of my subject. Dr. Raphall maintains, that slave-holding is not a sin, inasmuch as we see men, called pious, holding slaves. What a desperate case *that* must be, which is compelled to resort to so poor an argument ! Who ever thought that the great and pious men of old time forfeited their character by holding slaves, the doing so, being in the established order of society ? But at any rate, however distinguished they may have been for their piety, they are not held out to be to us, in all respects, examples for imitation ! Jacob is, according to the rule of Scripture, a pious man ; but are we on that account to justify his treacherous conduct to his brother Esau ? or, if occasion fall in our way, of gaining some advantage by treachery, are we to look to him for example ? Moses,—who can deny it ?—was a pious man ; but God found sufficient faults in him, to hinder his entering the land of promise ? Aaron, who is in the scriptures emphatically called the pious man, and who for his pre-eminent piety received the Urim and Thummim תומך ואורך לאיש חסיד was he not guilty in shaping an idol for the people, even as we too would be guilty by falling down and worshipping the golden calf ? Was not David a pious man ? David the royal Psalmist, the man according to God's heart ! he, from whom was to spring the Messiah,—I say, was not David a pious man, notwithstanding his crimes against God and nature ?

These and a host of examples only serve to prove that the Scriptures, in consideration of the weakness of human nature; and taking thought of circumstances, do recognise men as pious in respect of the general tenor of their lives, however they may have occasionally, yielding to temptations, turned aside from the path of righteousness, or from want of sufficient light, even persisted in errors. But we may boldly maintain, that had any one of them degraded himself to an American slavedealer; had he sent out his ships to tear men from their peaceful homes to sell them for slaves, the Scripture would surely have branded his name with infamy.

And, finally, what shall we say in reply to the question "What right have you to place yonder gray-headed philanthropist, Touro, on a level with a murderer?" This Touro, more or less known to you as a co-religionist, was a slaveholder; and, having accumulated a large fortune, left the whole or part of it for beneficent purposes. But, my brethren, can the example of a thousand Touroes prove black to be white? or can his beneficence in the disposition of his fortune vindicate the means by which it was accumulated? If the law of God condemn slavery as a sin, on a level or not with the crime of murder, can any amount of charity so change the nature of it that, what is in itself a vice, can become a virtue? The only excuse for Touro, and such men as he, is that, despite their general philanthropy, their eyes were not open to see into the real nature of slaveholding. Had it been otherwise; had they looked deeper into the worth and everlasting rights of man; had they taken the word of God for authority and guidance; had they better appreciated the history of the Jewish people, and its mighty mission among the nations, they would have joined with me in giving utterance to the glowing, indignant denunciation of slavery by the English poet.

" Thus man devotes his brother, and destroys ;
 And worse than all, and most to be deplored
 As human nature's broadest, foulest blot,
 Chains him and tasks him, and exacts his sweat
 With stripes that Mercy, with a bleeding heart,
 Weeps when she sees inflicted on a beast.
 Then what is man ? And what man, seeing this,
 And having human feelings, does not blush
 And hang his head, to think himself a man ?
 I would not have a slave to till my ground,
 To carry me, to fan me while I sleep,
 And tremble when I wake, for all the wealth
 That sinews bought and sold have ever earned.
 No ; dear as freedom is, and in my heart's
 Just estimation prized above all price,
 I had much rather be myself the slave,
 And wear the bonds, than fasten them on him."
